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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERS

MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

IN THE MATTER OF THE APPLICATION
OF H2O, INC. FOR AN EXTENSION OF ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WATER
SERVICE IN PINAL COUNTY, ARIZONA.

DOCKET NO. W-02234A-07-0371

PROCEDURAL ORDER

BY THE COMMISSION:

On June 15, 2007, H2O, Inc. ("Company" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for an extension of its Certificate of Convenience and Necessity ("Certificate") to provide water service to various parts of Pinal County, Arizona.

On July 13, 2007, pursuant to A.A.C. R14-2-402(C), the Utilities Division ("Staff") issued a notice of insufficiency with respect to the Company's application.

On October 24, 2007, Staff issued a notice of sufficiency to the Company.

In accordance with A.R.S. § 41-1074(A), the application herein is deemed administratively complete.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that a **hearing** shall commence on **January 17, 2008, at 9:30 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that the **Staff Report and associated exhibits** to be presented at hearing on behalf of Staff shall be reduced to writing and filed on or before 4:00 p.m. on **November 30, 2007.**

IT IS FURTHER ORDERED that any **objections to the Staff Report and associated**

1 **exhibits** to be presented at hearing by Applicant shall be reduced to writing and filed on or before
2 4:00 p.m. on **December 10, 2007**.

3 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
4 105, except that all motions to intervene must be filed on or before **December 14, 2007**.

5 IT IS FURTHER ORDERED that Walnut Creek Water Company shall **provide public notice**
6 **of the hearing** in this matter, in the following form and style:

7 **PUBLIC NOTICE OF THE HEARING FOR H2O, INC. FOR AN EXTENSION**
8 **OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY**
9 **(DOCKET NO. W-02234A-07-0371)**

10 On June 15, 2007, H2O, Inc. ("Company") filed an application for an extension of its
11 Certificate of Convenience and Necessity to provide public water and wastewater
12 utility service to various parts of Pinal County, Arizona.

13 The application is available for inspection during regular business hours at the offices
14 of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona
15 and at the Applicant's office, [insert office address]] and on the internet via the
16 Commission website (www.azcc.gov) using the e-docket function.

17 The Commission will hold a hearing on this matter commencing on **January 17,**
18 **2008 at 9:30 a.m.**, at the Commission's offices, 1200 West Washington Street,
19 Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

20 The law provides for an open public hearing at which, under appropriate
21 circumstances, interested parties may intervene. Intervention shall be permitted to
22 any person entitled by law to intervene and having a direct and substantial interest in
23 the matter. Persons desiring to intervene must file a written motion to intervene with
24 the Commission, which motion should be sent to Applicant or its counsel and to all
25 parties of record, and which, at the minimum, shall contain the following:

- 26 1. The name, address, and telephone number of the proposed intervenor and of
27 any party upon whom service of documents is to be made if different than the
28 intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,
a customer of Applicant, a shareholder of Applicant, a competitor, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed
to the Applicant or its counsel and to all parties of record in the case.

29 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
30 that all motions to intervene must be filed on or before December 14, 2007. The
31 granting of intervention, among other things, entitles a party to present sworn
32 evidence at hearing and to cross-examine other witnesses. However, failure to
33 intervene will not preclude any customer from appearing at the hearing and making a
34 statement on such customer's own behalf.

35 If you have any questions or concerns about this application or have any objections
36 to its approval, or wish to make a statement in support of it, you may write the

1 Consumer Services Section of the Commission at 1200 West Washington Street,
2 Phoenix, Arizona 85007 or call 1-800-222-7000 or appear at the hearing and make
comment.

3 The Commission does not discriminate on the basis of disability in admission to its
4 public meetings. Persons with a disability may request a reasonable accommodation
5 such as a sign language interpreter, as well as request this document in an alternative
format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-
3931, E-mail lhogan@azcc.gov. Requests should be made as early as possible to
allow time to arrange the accommodation.

6 IT IS FURTHER ORDERED that H2O, Inc. shall cause the above **notice to be published** at
7 least once in a newspaper of general circulation in its service territory, with publication to be
8 completed no later than **November 30, 2007**.

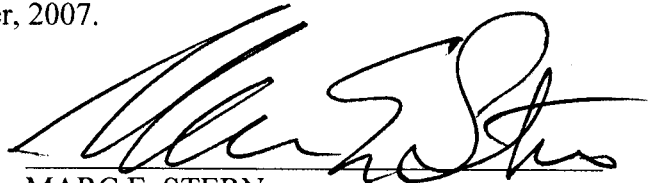
9 IT IS FURTHER ORDERED that H2O, Inc. file **certification of publication as soon as**
10 **practicable after the publication has been completed**.

11 IT IS FURTHER ORDERED that notice shall be deemed complete upon publication of same,
12 notwithstanding the failure of an individual or entity to read or receive the notice.

13 IT IS FURTHER ORDERED that all parties must comply with Rule 31 and 38 of the Rules of
14 the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*
15 *hac vice*.

16 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,
17 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
18 ruling at hearing.

19 Dated this 30th day of October, 2007.



MARC E. STERN
ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed/delivered
2 this 30th day of October, 2007 to:


3 Richard L. Sallquist
4 SALLQUIST, DRUMMOND & O'CONNOR, P.C.
5 4500 South Lakeshore Drive, Suite 339
6 Tempe, AZ 85282
7 Attorneys for H2O, Inc.

8 Donald L. Schnepf, President
9 H2O, INC.
10 41502 North Schnepf Road
11 Queen Creek, AZ 85242

12 Christopher Kempley, Chief Counsel
13 Legal Division
14 ARIZONA CORPORATION COMMISSION
15 1200 West Washington Street
16 Phoenix, AZ 85007

17 Ernest G. Johnson, Director
18 Utilities Division
19 ARIZONA CORPORATION COMMISSION
20 1200 West Washington Street
21 Phoenix, AZ 85007

22 ARIZONA REPORTING SERVICE, INC.
23 2200 North Central Avenue, Suite 502
24 Phoenix, AZ 85004-1481

25 By: 
26 Debra Bröyles
27 Secretary to Marc E. Stern
28